

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated March 10, 2009. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-17 are pending in the Application. Claims 6, 7, 12 and 13 are amended herein. Claims 7 and 12 are amended to be in independent form as suggested by the Final Office Action. Accordingly, it is respectfully submitted that the amendment to claims 7 and 12 is provided to comply with a requirement of form expressly set forth in the previous Office action. Claims 6 and 12 are amended to clarify the claims. The amendment to claims 6 and 12 is provided to place the application in condition for allowance. Accordingly, it is respectfully requested that the amendments to claims 6, 7, 12 and 13 be entered and considered.

Applicant thanks the Examiner for the indication that claims 2-6 are allowed and that claims 7-11 and 13-17 are allowable if amended to be in independent form. Claims 7 and 13 are amended herein to be in independent form as suggested in the Final Office Action. Accordingly, consideration and allowance of claims 7 and 13 is respectfully requested. Claims 8-11 and 14-17 respectively

depend from one of claims 7 and 13 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration and allowance of each of dependent claims 8-11 and 14-17 is respectfully requested.

In the Office Action, claims 1 and 12 are rejected under 35 U.S.C. §102(b) over U.S. Patent No. 2,929,907 to Collins ("Collins"). It is respectfully submitted that claims 1 and 12 are allowable over Collins for at least the following reasons.

In the Response to Arguments section, the Final Office Action takes a position that Collins' "'pressure means' 51 are 'arcuately shaped' brackets in two respects: viewed in profile, either side of each pin has an arcuate shape since it curves to a point; alternatively, since the pins press against the 'heating wall,' the pressure necessarily imposes on the pin, to some extent, an arcuate shape." This position is respectfully traversed.

It is respectfully submitted that a person of ordinary skill in the art would not understand (emphasis added) "inclined needle-like members or fine-pointed pins 51, resembling phonograph needles" (see, Collins, Col. 4, lines 11-12), to be arcuately shaped objects as substantially recited in each of claims 1 and 12.

For example, a person of ordinary skill in the art would not describe a square with rounded corners as an arcuately shaped object just because the square has rounded corners. Certainly a "fine pointed pin" would not be understood to be arcuately shaped. However, in the interest of expediting consideration and allowance of the pending claims, the Applicant has elected to amend claims 1 and 12 to recite that the arcuately shaped pressure means/bracket are arcuately shaped along a substantial portion.

It is respectfully submitted that the device of claim 1 is not anticipated or made obvious by the teachings of Collins. For example, Collins does not teach, disclose or suggest, a device that amongst other patentable elements, comprises (illustrative emphasis added) "a heating device to which the depilation tape taken from the store can be supplied in the longitudinal tape direction, by means of said heating device the respective tape portion of the depilation tape co-operating with the heating device can be heated for the purpose of softening the hair removal medium before the depilation tape is applied with its hair removal medium to the skin of a person, and pressure means which are arcuately shaped along a substantial portion of said pressure means and are arranged opposite the heating device, by means of said pressure means the

respective tape portion of the depilation tape co-operating with the heating device is kept applied to the heating device along a contact zone parallel to the longitudinal tape direction" as recited in claim 1.

Further, it is respectfully submitted that the device of claim 12 is not anticipated or made obvious by the teachings of Collins. For example, Collins does not disclose or suggest, a device that amongst other patentable elements, comprises (illustrative emphasis added) "a heating device to which the depilation tape taken from the store can be supplied in the longitudinal tape direction, the respective tape portion of the depilation tape co-operating with the heating device can be heated for the purpose of softening the hair removal medium before the depilation tape is applied with its hair removal medium to the skin of a person, and an arcuately shaped bracket arranged opposite the heating device, by means of the arcuately shaped bracket the respective tape portion of the depilation tape co-operating with the heating device is kept applied to the heating device along a contact zone parallel to the longitudinal tape direction, wherein the arcuately shaped bracket is arcuately shaped along a substantial portion of the arcuately shaped bracket" as recited in claim 12.

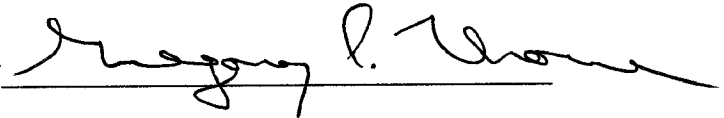
It is respectfully submitted that the clearly, the "fine-pointed pins" of Collins are not arcuately shaped along a substantial portion.

Based on the foregoing, the Applicant respectfully submits that independent claims 1 and 12 are patentable over Collins and notice to this effect is earnestly solicited.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicant has made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

Gregory L. Thorne, Reg. 39,398
Attorney for Applicant(s)
May 7, 2009

THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101